

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL S. KLEIN,)	3:11-CV-0648-MMD (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	August 22, 2013
)	
DR. SCOTT, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff's motion for order directing the filing and service of subpoena duces tecum upon the Nevada Department of Corrections for purpose of obtaining a copy of the security camera [sic] recordings for June 18, 2009, Lovelock Correctional Center, Unit 5 and its infirmary (#38) is **DENIED**.

Even assuming *arguendo* that plaintiff's subpoena would lead to the discovery of admissible evidence and that requested security camera footage from June 2009 exists, the request is denied. Plaintiff is proceeding in this action *in forma pauperis* (#3). In the order granting *in forma pauperis* status, plaintiff was advised that the order did "not extend to the issuance and service of subpoenas at government expense." *Id.* Local Special Rule 1-8. Witness fees are not costs the court will bear on behalf of an indigent litigant. *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1992). Moreover, the U.S. Marshal does not serve subpoenas in civil cases, even if payment is made. Therefore, plaintiff would be responsible for making all arrangements for service, the expense of service, the witness fee, and most likely would also be required to pay for the cost of locating and reproducing the security camera footage from 2009. *See* Fed.R.Civ.P. 45; *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam) (28 U.S.C. § 1915 does not entitle a plaintiff proceeding in forma pauperis to a waiver of witness fees for subpoenas).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk